

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MARKEZ PRIEST,)	
)	Civil Action No. 18 – 138
Petitioner,)	
)	
v.)	District Judge Arthur J. Schwab
)	Magistrate Judge Lisa Pupo Lenihan
THOMAS MCGINLEY, THE)	
ATTORNEY GENERAL OF THE)	
STATE OF PENNSYLVANIA and)	
DISTRICT ATTORNEY OF)	
BEAVER COUNTY,)	
)	
Respondents.)	

MEMORANDUM ORDER

Pending before the Court is a Petition for Writ of Habeas Corpus filed by Petitioner Markez Priest (“Petitioner”) pursuant to 28 U.S.C. § 2254, wherein he challenges his judgment of sentence for first degree murder and possessing a firearm without a license. (ECF No. 1.) In accordance with the Magistrate Judge’s Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules of Court, all pretrial matters were referred to United States Magistrate Judge Lisa Pupo Lenihan.

Respondents filed a Response to the Petition on March 1, 2018. (ECF No. 3.) On July 10, 2018, the Magistrate Judge issued a Report and Recommendation (“R&R”) recommending that the Petition be denied and that no certificate of appealability issue. (ECF No. 5.) The R&R was served on the parties and Petitioner filed written objections that were docketed on July 30, 2018. (ECF No. 7.)

In resolving a party's objections, the Court conducts a *de novo* review of any part of the R&R that has been properly objected to. Fed. R. Civ. P. 72(b)(3); 28 U.S.C. § 636(b)(1). The Court may accept, reject, or modify the recommended disposition, as well as receive further evidence or return the matter to the magistrate judge with instructions. *Id.*

After careful *de novo* review, the following Order is now entered.

AND NOW, this 2nd day of August, 2018;

IT IS HEREBY ORDERED that the R&R of the Magistrate Judge (ECF No. 5) is adopted as the Opinion of the Court.

IT IS FURTHER ORDERED that the Petition for Writ of Habeas Corpus (ECF No. 1) is denied.

IT IS FURTHER ORDERED that a Certificate of Appealability is denied.

IT IS FURTHER ORDERED that the Clerk of Court enter judgment in favor of Respondents and mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Petitioner has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:

s. Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: Markez Priest
JQ-0881
SCI Coal Township
1 Kelley Drive
Coal Township, PA 17866-1021

Counsel for Respondents
(Via CM/ECF electronic mail)